

## **2012 Legislative Session**

**March 12, 2012 to June 4, 2012**

### Summary of Medical Malpractice Bills

- **HB 102 – Lorusso**  
Makes technical changes only
- **HB 105 – Edwards**  
Increases the cap to \$750,000 and excludes economic losses, including loss of earnings, loss of earning capacity, loss of support and services - effective 1-1-13 (no changes mentioned in primary/PCF layers)  
Provides for an annual adjustment based on CPI (max of +/- 4%) in January each year - effective 1-1-14  
Recovery limits based on date the panel request is filed – effective 1-1-14
- **HB 383 – Lorusso**  
Joint Resolution for Constitutional amendment to give Legislature the ability to limit liability of health care providers – effective 1-1-13 but retro
- **HB 612 – Edwards**  
Deletes “as charged in the complaint” as part of the panel opinion.
- **HB 766 – Legi**  
PCF “Clean up” bill reduces the number of days from 45 to 30 for an insurer to remit the provider’s PCF payment to the PCF; includes the need to send a copy of the petition for damages with the dilatory exception of prematurity the defense is mandated to send to the PCF; clarifies that a panel should be for only one patient; that an untimely remitted filing fee is to be returned/refunded; allows providers to raise peremptory exceptions of no right of action during the panel stage; and allows for dissolving the panel if court grants a no right of action.
- **SB 141 - Mills**  
Joint Resolution for Constitutional amendment to give Legislature the ability to limit liability of health care providers – effective 1-1-13 but retro

- SB 176 – Buffington  
Amends definition of malpractice to include legal responsibility of a health care provider arising from acts or omissions related to the existence, validity, or applicability of previously expressed wishes of the patient or the patient's surrogate concerning life-sustaining procedures and the validity and applications of a Declaration Concerning Life-Sustaining Procedures, Louisiana Physician Order for Scope of Treatment, or a Do Not Resuscitate order. Effective upon signature
- SB 246 – Mills  
Makes minor technical changes only
- SB 438 – Nevers  
Changes the timeframe for payment of the filing fee from 45 days to 60 days.